

Message Text

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ACTION EA-12

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FM AMEMBASSY KUALA LUMPUR
TO SECSTATE WASHDC 1694

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E.O. 11652: N/A
TAGS: PDIP, CVIS, MY
SUBJECT: DIPLOMATIC STATUS FOR MALAYSIAN TRADE REPS IN U.S.

1. DURING PAST SEVERAL MONTHS SEVERAL EMBOFFS HAVE RECEIVED INQUIRIES FROM MALAYSIAN MINISTRY OF TRADE AND INDUSTRY (MTI) OFFICIALS REGARDING DIPLOMATIC STATUS FOR THEIR TRADE REPRESENTATIVES IN NEW YORK AND SAN FRANCISCO. IT APPEARS THAT MTI HAS BROACHED THIS SUBJECT WITH MFA OFFICIALS WHO, IN TURN, HAVE RAISED THE PROBLEM WITH THE MALAYSIAN EMBASSY IN WASHINGTON. THE MFA RESPONSE WAS NOT IN MTI'S FAVOR AND MTI NOW WISHES TO SEE IF THERE IS ANYTHING THE EMBASSY CAN DO TO RESOLVE THE PROBLEM. THE EMBASSY ENJOYS A GOOD WORKING RELATIONSHIP WITH MTI AND WOULD AT LEAST LIKE TO BE IN A POSITION TO TELL THEM FULLY WHETHER THERE IS ANY POSSIBILITY FOR DIPLOMATIC STATUS AND, IF NOT, WHO NOT.

2. WORKING WITHOUT BENEFIT OF KNOWLEDGE OF THE DETAILS OF ANY APPROACHES MADE BY THE MALAYSIANS IN WASHINGTON, IT APPEARS THAT THERE IS THE PROBLEM OF DIPLOMATIC TITLE FOR THESE TRADE REPRESENTATIVES AS WELL AS THEIR BEING POSTED TO CITIES WITHOUT CONSULATES. ACCORDING TO THE INFORMATION PROVIDED BY MTI, BASED ON EMBASSY DISCUSSIONS IN WASHINGTON, DIPLOMATIC STATUS MAY BE CONSIDERED IF THE FOLLOWING ARE MET:

A) POSSESSION OF A RECOGNIZED DIPLOMATIC TITLE (TRADE REPRESENTATIVE WOULD NOT APPEAR TO QUALIFY); B) POSSESS AN
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A-1 VISA (TRADE REPS WITHOUT DIPLOMATIC TITLE WOULD QUALIFY FOR AN A-2 RATHER THAN A-1); C) DEVOTE HIS OFFICIAL ACTIVITIES FULLTIME TO DIPLOMATIC DUTIES (WHICH WOULD APPEAR TO BE SATISFIED); AND D) WITH THE EXCEPTION OF DESIGNATED SENIOR FINANCIAL, ECONOMIC AND COMMERCIAL POSITIONS IN NEW YORK CITY, RESIDE IN THE WASHINGTON, D.C. AREA.

3. WHILE MTI OFFICIALS ARE CONSIDERED AS FOREIGN SERVICE OFFICERS AND TRAVEL ON DIPLOMATIC PASSPORTS, THERE APPEARS TO BE SOME CONFLICT BETWEEN MTI AND MFA OVER THE MATTER OF GRANTING DIPLOMATIC TITLES TO MTI OFFICERS SERVING ABOARD. APPARENTLY MTI BELIEVES THEY WILL HAVE TO GIVE UP SOME OF THEIR BUREAUCRATIC INDEPENDENCE IF THEY ACCEPT THE MFA CAVEATS. ASSUMING THE MFA AND MTI COULD RESOLVE THE DIPLOMATIC TITLE PROBLEM, THE QUESTION OF LOCATION OUTSIDE OF WASHINGTON IS ANOTHER NUT TO CRACK. MTI BELIEVES THAT ANY ATTEMPT TO ESTABLISH A CONSULATE IN NEW YORK AND SAN FRANCISCO WOULD BE REJECTED BY THE U.S.

4. EMBASSY WOULD APPRECIATE DEPARTMENT'S COMMENTS ON THE ABOVE (INCLUDING QUESTION OF MALAYSIAN CONSULATES). WHILE WE WOULD LIKE TO SEE THE PROBLEM RESOLVED IN FAVOR OF MTI OFFICIALS WHO HELP US CONSIDERABLY IN OUR ECONOMIC/TRADE WORK HERE, WE FULLY RECOGNIZE THAT WHAT THEY ASK MAY NOT BE POSSIBLE. IN ADDITION, THERE APPEARS TO BE SOME DIVISION OF OPINION AMONG MALAYSIAN OFFICIALS THEMSELVES. THE SPECIFIC MALAYSIANS OF CONCERN ARE YAP FUNG-KONG AND IBRAHIM BIN RAJA MAMAT IN SAN FRANCISCO AND KOO TEK SING IN NEW YORK. WE BELIEVE HARRY LEONARD IN NEW YORK HAS BEEN GRANTED DIPLOMATIC STATUS.
MILLER

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